

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 3-5, 8-10, 12, 14-19, 21-23, 26-28, 30, 32-39, and 42-46 are currently pending, Claims 1, 3, 19, and 21 having been amended, Claims 42-46 having been added, and Claims 2, 20, 40, and 41 having been canceled without prejudice or disclaimer. The changes and additions to the claims do not add new matter and are supported by the originally filed specification, for example, in original Claims 1, 2, 16, and 20; Figs. 1, 2, and 7; page 9, lines 4-13; page 10, lines 18-24; page 14, lines 13-18; page 15, line 17 to page 16, line 7; page 16, lines 13-20; page 17, lines 15-28; page 18, lines 10-20; page 24, lines 17-21; page 27, lines 19-24; page 28, lines 11-14; and page 19, lines 19-24.

In the outstanding Office Action, Claims 1-5, 8-10, 12, 14-23, 26-28, 30, and 32-41 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nakagawa et al. (U.S. Patent No. 6,019,369, hereafter “Nakagawa”) in view of Koza et al. (U.S. Patent No. 5,069,453, hereafter “Koza”).

With respect to the rejection of Claim 1 under 35 U.S.C. §103(a), Applicants respectfully submit that the amendment to Claim 1 overcomes this ground of rejection.

Amended Claim 1 recites, *inter alia*,

a decision unit configured to generate a result of the game by using a computer logic before the entry time managed by the time management unit elapses;

wherein the game controller is configured to control the game comprising a plurality of programs,

the terminal is configured to obtain at least two of the plurality of the programs controlled by the game controller, and to execute part of the game based on the obtained plurality of programs,

the at least two of the plurality of programs
obtained by the terminal including:

a bet program which is software for obtaining the
forecast information including the forecast for the result of
the game from the user, and

a race effect program which is software for
processing of deciding effect contents and causing the
decided effect contents to be displayed.

Applicants respectfully submit that Nakagawa and Koza fail to disclose or suggest at
least these features of amended Claim 1.

Nakagawa is directed to a competitive game simulation machine for a multi-player
simulated horse racing competition. Fig. 1 of Nakagawa shows the game simulation machine
1 with a plurality of playing consoles 2 arranged around a main table-like body 11. There is
also a control unit 3 which controls the operation of the game simulation machine 1 (see col.
4, lines 1-6). Players positioned at the playing consoles 2 insert a desired number of tokens
in token slots and enter their bets on the screen of the playing console (see col. 4, lines 51-
54). When all the players have finished betting, or when a preset time has elapsed, the
simulated horse figures are caused to start off and run along the track 5 under the control of
the control unit 3 (see col. 4, lines 60-65). The control unit 3 includes a controller 31 which
calculates the speed of the horses based on random numbers generated at specific time
intervals and a horse's given running style (see col. 10, lines 55-67). The players receive
payoffs at the end of the race depending on the correctness of their betting (see col. 4, lines
65-67).

The Office Action acknowledges that Nakagawa fails to disclose or suggest "a
decision unit configured to generate a result of the game by using a computer logic before the
entry time managed by the time management unit elapses," (See Office Action, at page 4).

The Office Action relies on Koza to remedy the deficiencies of Nakagawa with regard to Claim 1.

Koza is directed to a ticket apparatus for a game with a transmitter. Koza describes a “lottery” type of game in which tickets are *distributed* to players (see col. 4, lines 5-19 of Koza). For the “lottery” of Koza, if the winning value for tickets of the lottery is known (decided) prior to distribution of the tickets, then the sponsor of the game can select the maximum possible number of winners by encoding the tickets accordingly (see col. 5, lines 44-47). The Office Action states that the determination of the game outcome prior to distribution of the tickets allows for the determination of financial liability prior to the closure of the distribution (i.e., the wagering period) (see page 4 of the Office Action). Further, in the “lottery” of Koza, a certain number of tickets are distributed, and thus the number of winning tickets is always less than the number of the distributed tickets whenever the winning value for the tickets of the lottery is decided (in other words, the number of winning tickets is limited). Here, it is noted that the determination of the game outcome prior to the distribution of the tickets (prior to the wagering) described in Koza can offer the above-mentioned advantage of determining financial liability prior to the closure of the wagering period because the ticket apparatus of Koza is based on the “lottery” type of game as described above, instead of the horse racing game of Nakagawa.

In contrast, in Nakagawa, the number of winning forecasts is not limited for player *forecast* bets. That is, unlike in the ticket apparatus of Koza, the forecasts (bets) in Nakagawa for a game result are freely decided by players, and thus the number of winning forecasts cannot be fixed or determined until the closure of the wagering period.

Therefore, the distribution/purchase of tickets of Koza and the player forecast bets of Nakagawa are for different types of games, and thus the reasons given by the examiner for using Koza’s method of determining a game outcome ahead of time do not correlate to the

game of Nakagawa. Accordingly, it would have not been obvious to one of ordinary skill in the art of gaming from Nakagawa and Koza to identify the player forecast bets of Nakagawa as the same thing as the distribution/purchase of tickets of Koza. Thus, Applicants submit that a person of ordinary skill in the art would not apply the teachings of Koza to the gaming machine of Nakagawa to add Koza's feature of determining the outcome of the game prior to distribution of the tickets, which as discussed above offers the above-mentioned advantage mainly because Koza is based on a "lottery" type of game.

Moreover, in Nakagawa, the number of winning forecasts cannot be fixed or determined until the closure of the wagering period as discussed above. This fact shows that incorporation of the determination of the game outcome prior to the closure of the wagering period into Nakagawa would mean that the sponsor of the game cannot select the number of winning forecasts prior to the closure of the wagering period. Thus, the determination of the game outcome prior to the wagering period **does not allow** for the determination of financial liability prior to the closure of the wagering period. Accordingly, the motivation suggested in the Office Action of determining financial liability prior to the closure of the wagering period does not apply to Nakagawa. Therefore, it would have not been obvious to one of ordinary skill in the art of gaming to modify Nakagawa to incorporate the teachings of Koza for the reasons stated in the Office Action.

Therefore, Applicants submit that Nakagawa in view of Koza fails to disclose or suggest "a decision unit configured to generate a result of the game by using a computer logic before the entry time managed by the time management unit elapses," as defined by Claim 1.

Furthermore, amended Claim 1 recites "wherein the game controller is configured to control the game which comprises a plurality of programs, the terminal is configured to obtain at least two of the plurality of the programs controlled by the game controller, and to execute part of the game based on the obtained plurality of programs, the at least two of the

plurality of programs obtained by the terminal including: a bet program which is software for obtaining the forecast information including the forecast for the result of the game from the user and, a race effect program which is software for deciding effect contents and causing the decided effect contents to be displayed.”

With these features, the invention of Claim 1 provides the advantage of executing part of the game based on these programs at the terminal side, thus making it unnecessary for the game controller to execute all the programs for executing the game by itself. This results in a reduced game processing load put on the game controller, and thus it is possible for the game controller to quickly generate the result of the game, determine whether the result of the game agrees with the forecast or not, and calculate a predetermined amount of money to pay to the user, before the entry time elapses.

Applicants respectfully submit that Nakagawa and Koza fail to disclose or suggest at least the above-mentioned added features of Claim 1.

Applicants note that the Office Action does not explicitly rely on Walker et al. (U.S. Patent No. 6,001,016, hereafter “Walker”) in the rejection of Claim 1 under 35 U.S.C. §103(a). (See Office Action, at top of page 3). However, the Office Action appears to rely on Walker to disclose “inclusion of a remote terminal server system to provide a game controller adapted to control a game execution between a game controller and a terminal reflective software instructions exchanged between the terminal and server.” (See Office Action, at page 4, citing Fig. 3, elements 4 and 10 of Walker).

Walker is directed to a method of remote play of a gaming device. Fig. 3 of Walker shows a slot network server 4 in communication with a slot machine network 3, a cashier terminal 6, and a remote wagering terminal network 10. The actual slot machine used by a user is shown on Fig. 2 and is shown connected to slot network server interface 330. Walker

describes that a program stored in the slot machine controls the outcome for the player (see col. 5, lines 17-32).

In Walker, the slot machine controls the outcome of the player's wager, not the slot network server. Additionally, the slot machine is not described as obtaining at least two of the programs controlled by the network server and the slot machine transmits the outcome of the game to the network server and not vice versa (see col. 4, lines 8-12).

Therefore, Applicants submit that Walker fails to disclose or suggest "wherein the game controller is configured to control the game which comprises a plurality of programs, the terminal is configured to obtain at least two of the plurality of the programs controlled by the game controller, and to execute part of the game based on the obtained plurality of programs, the at least two of the plurality of programs obtained by the terminal including: a bet program which is software for obtaining the forecast information including the forecast for the result of the game from the user and, a race effect program which is software for deciding effect contents and causing the decided effect contents to be displayed." as defined by amended Claim 1.

Thus, Applicants submit that Walker fails to remedy the deficiencies of Nakagawa and Koza with regard to amended Claim 1.

Therefore, Applicants respectfully submit that amended Claim 1 (and all associated dependent claims) patentably distinguishes over Nakagawa, Koza, and Walker, either alone or in proper combination.

Independent Claim 19 recites features similar to those of Claim 1 discussed above. Therefore, Applicants respectfully submit that independent Claim 19 (and all associated dependent claims) patentably distinguishes over Nakagawa, Koza, and Walker, either alone or in proper combination.

With regard to new Claim 42, Claim 42 recites, *inter alia*,

a game outcome decision unit configured to decide the game outcome by lottery a predetermined time before an end of the bet time;

an effect display indication unit configured to enable each of the client terminals to display the effects of the game during the game effect display time by providing each of the client terminals with. information of the display of effects of the game; and

a bet outcome notification indication unit configured to enable each of the client terminals to notify the bet outcome during the notification time for notification of the bet outcome by providing each of the client terminals with information of the bet outcome.

As discussed above with regard to Claim 1, a person of ordinary skill in the art would not be motivated to modify the game system of Nakagawa to incorporate the teaching of Koza in which a determination of the game outcome is made prior to closure of the wagering period.

Therefore, Applicants submit that Nakagawa in view of Koza also fail to disclose or suggest “a game outcome decision unit configured to decide the game outcome by lottery a predetermined time before an end of the bet time,” as defined by new Claims 42 and 45.

Also discussed above, Nakagawa, Koza, and Walker fail to disclose or suggest a terminal obtaining at least two programs for obtaining the forecast information including the forecast for the result of the game from the user and, a race effect program which is software for processing of deciding effect contents and causing the decided effect contents to be displayed.

Therefore, Applicants submit that Nakagawa, Koza, and Walker also fail to disclose or suggest “an effect display indication unit configured to enable each of the client terminals to display the effects of the game during the game effect display time by providing each of the client terminals with. information of the display of effects of the game; and a bet outcome notification indication unit configured to enable each of the client terminals to notify the bet


outcome during the notification time for notification of the bet outcome by providing each of the client terminals with information of the bet outcome,” as defined by Claim 42.

New Claim 45 recites features similar to those of Claim 42 as discussed above. Therefore, Applicants respectfully submit that new Claims 42 and 45 (and all associated dependent claims) patentably distinguish over Nakagawa, Koza, and Walker, either alone or in proper combination.

Consequently, in light of the above discussion and in view of the present amendment, the outstanding grounds for rejection are believed to have been overcome. The present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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